

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER SADOWSKI,

Plaintiff,

- against -

COMPLEX MEDIA, INC.

Defendant.

Docket No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Christopher Sadowski (“Sadowski” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Complex Media, Inc.

(“Complex” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of three copyrighted photographs of New York singer and songwriter Azealia Banks owned and registered by Sadowski, a New York City based photojournalist. Accordingly, Sadowski seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or are doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Sadowski is a professional photojournalist in the business of licensing his photographs to online, print, and television stations for a fee, having a usual place of business at 46 Viola Avenue, Clifton, NJ 07011. Sadowski's work has been published in publications such as the New York Post, The Star-Ledger, The Daily Mail Online, The Herald News, Newsday, Newsweek Magazine, People Magazine, The Associated Press, USA Today, NBC News, MSNBC among others.

6. Upon information and belief, Complex is a corporation duly organized and existing under the laws of the State of New Delaware, with a principal place of business at 1271 Avenue of the Americas, New York, NY 10020. Upon information and belief, Complex is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, Complex has owned and operated and continues to own and operate a website at the URL: www.Complex.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photographs

7. On or about December 15, 2015 singer Azealia Banks was arrested outside a dance club in New York City after she shouted and punched a security guard. She was brought to the Sixth Precinct and then arraigned and then released on her own recognizance. The incident was not only heavily covered by the press in New York but it also gained national attention.

8. On or about December 15, 2015, Sadowski photographed Azealia Banks being arrested and then coming out of the Precinct the night of the altercation. A true and correct copy

of said photographs (the “Photographs”) is attached hereto as Exhibit A, Exhibit B, and Exhibit C.

9. Sadowski then licensed the Photographs to the New York Post. On December 16, 2015 the New York Post ran an exclusive article that featured the Photographs entitled ‘*Boob-biting*’ *Azealia Banks arrested*. See <http://pagesix.com/2015/12/16/boob-biting-azealia-banks-arrested/> (last visited April 11, 2016). Sadowski’s name was featured in a gutter credit identifying him as the photographer of the Photographs. A true and correct copy of the web edition of the article with the Photographs is attached here to as Exhibit D.

10. Sadowski is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

11. The Photographs were registered with Copyright Office and were given Copyright Registration Number VA 1-989-742, effective December 31, 2015.

B. Defendant’s Infringing Activities

12. Upon information and belief, on or about December 16, 2015, Complex ran an article on the Website entitled *Azealia Banks Reportedly Arrested For Biting a Security Guard’s Boob* (<http://www.complex.com/music/2015/12/azealia-banks-arrested-biting-security-guards-boob>). The article prominently featured the Photographs on a video created by Complex. A true and correct copy of the Photographs in the video on the article is attached hereto as Exhibit E.

13. Complex did not license the Photographs from Plaintiff for use on its article, nor did Complex have plaintiff’s permission or consent to publish the Photographs on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST COMPLEX)
(17 U.S.C. §§ 106, 501)

14. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-13 above.

15. Complex infringed Plaintiff's copyright in the Photographs by reproducing and publically displaying the Photographs in an article on the Website. Complex is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

16. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyrights and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

17. Upon information and belief, the foregoing acts of infringement by Complex have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

18. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to damages and defendant's profits pursuant to 17 U.S.C. § 504(b) for each infringement.

19. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photographs, pursuant to 17 U.S.C. § 504(c).

20. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

21. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Complex be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
April 11, 2016

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